

(H) An assessment on the degree to which the Columbia class ballistic missile submarines will possess features that will enhance the current invulnerability of ballistic missile submarines of the United States to future antisubmarine warfare threats.

(I) An analysis of the degree to which an extension of the Minuteman III would impact the decision of Russian Federation to target intercontinental ballistic missiles of the United States in a crisis, as compared to proceeding with the Sentinel intercontinental ballistic missile program.

(J) A best case estimate of what percentage of the strategic forces of the United States would survive a counterforce strike from the Russian Federation, broken down by intercontinental ballistic missiles, ballistic missile submarines, and heavy bomber aircraft.

(K) The benefits, risks, and costs of relying on the W-78 warhead for either the Minuteman III or the Sentinel intercontinental ballistic missile as compared to proceeding with the W-87 life extension.

(L) The benefits, risks, and costs of adding additional launchers or uploading submarine-launched ballistic missiles with additional warheads to compensate for a reduced deployment of intercontinental ballistic missiles of the United States.

(M) An analysis of whether designing and fielding a new intercontinental ballistic missile through at least 2070 is consistent with the obligation of the United States under Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons done at Washington, London, and Moscow July 1, 1968 (21 UST 483) (commonly referred to as the “Nuclear Non-Proliferation Treaty”) to “pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament”.

(3) **SUBMISSION TO DEPARTMENT OF DEFENSE.**—Not later than 180 days after the date of the enactment of this Act, the National Academy of Sciences shall submit to the Secretary a report containing the findings of the study conducted under paragraph (1).

(4) **SUBMISSION TO CONGRESS.**—Not later than 210 days after the date of the enactment of this Act, the Secretary shall transmit to the appropriate congressional committees the report required by paragraph (3), without change.

(5) **FORM.**—The report required by paragraph (3) shall be submitted in unclassified form, but may include a classified annex.

(d) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

SA 5880. Mr. MARKEY submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1077. DISCLOSURE TO CONGRESS OF PRESIDENTIAL EMERGENCY ACTION DOCUMENTS.

(a) **IN GENERAL.**—Not later than 30 days after the conclusion of the process for approval, adoption, or revision of any presidential emergency action document, the President shall submit that document to the appropriate congressional committees.

(b) **DOCUMENTS IN EXISTENCE BEFORE DATE OF ENACTMENT.**—Not later than 15 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees all presidential emergency action documents in existence before such date of enactment.

(c) **DEFINITIONS.**—In this section:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees”, with respect to a presidential emergency action document submitted under subsection (a) or (b), means—

(A) the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, and the Select Committee on Intelligence of the Senate;

(B) the Committee on Oversight and Reform, the Committee on the Judiciary, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(C) any other committee of the Senate or the House of Representatives with jurisdiction over the subject matter addressed in the presidential emergency action document.

(2) **PRESIDENTIAL EMERGENCY ACTION DOCUMENT.**—The term “presidential emergency action document” refers to—

(A) each of the approximately 56 documents described as presidential emergency action documents in the budget justification materials for the Office of Legal Counsel of the Department of Justice submitted to Congress in support of the budget of the President for fiscal year 2018; and

(B) any other pre-coordinated legal document in existence before, on, or after the date of the enactment of this Act, that—

(i) is designated as a presidential emergency action document; or

(ii) is designed to implement a presidential decision or transmit a presidential request when an emergency disrupts normal governmental or legislative processes.

SA 5881. Mr. MARKEY (for himself and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle G—Supporting SAUDI WMD Act

SEC. 1281. SHORT TITLE.

This subtitle may be cited as the “Stopping Activities Underpinning Development In Weapons of Mass Destruction Act” or the “SAUDI WMD Act”.

SEC. 1282. FINDINGS.

Congress makes the following findings:

(1) The People’s Republic of China (in this subtitle referred to as “China”), became a full-participant of the Nuclear Suppliers Group in 2004, committing it to apply a strong presumption of denial in exporting

nuclear-related items that a foreign country could divert to a nuclear weapons program.

(2) China also committed to the United States, in November 2000, to abide by the foundational principles of the 1987 Missile Technology Control Regime (MTCR) to not “assist, in any way, any country in the development of ballistic missiles that can be used to deliver nuclear weapons (i.e., missiles capable of delivering a payload of at least 500 kilograms to a distance of at least 300 kilometers)”.

(3) In the 1980s, China secretly sold the Kingdom of Saudi Arabia (in this subtitle referred to as “Saudi Arabia”) conventionally armed DF-3A ballistic missiles, and in 2007, reportedly sold Saudi Arabia dual-use capable DF-21 medium-range ballistic missiles of a 300 kilometer, 500 kilogram range and payload threshold which should have triggered a denial of sale under the MTCR.

(4) The 2020 Department of State Report on the Adherence to and Compliance with Arms Control, Nonproliferation, and Disarmament Agreements and Commitments found that China “continued to supply MTCR-controlled goods to missile programs of proliferation concern in 2019” and that the United States imposed sanctions on nine Chinese entities for covered missile transfers to Iran.

(5) A June 5, 2019, press report indicated that China allegedly provided assistance to Saudi Arabia in the development of a ballistic missile facility, which if confirmed, would violate the purpose of the MTCR and run contrary to the longstanding United States policy priority to prevent weapons of mass destruction proliferation in the Middle East.

(6) The Arms Export and Control Act of 1976 (Public Law 93-329) requires the President to sanction any foreign person or government who knowingly “exports, transfers, or otherwise engages in the trade of any MTCR equipment or technology” to a country that does not adhere to the MTCR.

(7) China concluded two nuclear cooperation agreements with Saudi Arabia in 2012 and 2017, respectively, which may facilitate China’s bid to build two reactors in Saudi Arabia to generate 2.9 Gigawatt-electric (GWe) of electricity.

(8) On August 4, 2020, a press report revealed the alleged existence of a previously undisclosed uranium yellowcake extraction facility in Saudi Arabia allegedly constructed with the assistance of China, which if confirmed, would indicate significant progress by Saudi Arabia in developing the early stages of the nuclear fuel cycle that precede uranium enrichment.

(9) Saudi Arabia’s outdated Small Quantities Protocol and its lack of an in force Additional Protocol to its International Atomic Energy Agency (IAEA) Comprehensive Safeguards Agreement severely curtails IAEA inspections, which has led the Agency to call upon Saudi Arabia to either rescind or update its Small Quantities Protocol.

(10) On January 19, 2021, in response to a question about Saudi Arabia’s reported ballistic missile cooperation with China, incoming Secretary of State Antony J. Blinken stated that “we want to make sure that to the best of our ability all of our partners and allies are living up to their obligations under various nonproliferation and arms control agreements and, certainly, in the case of Saudi Arabia that is something we will want to look at”.

(11) On March 15, 2018, the Crown Prince of Saudi Arabia, Mohammad bin-Salman, stated that “if Iran developed a nuclear bomb, we would follow suit as soon as possible,”

raising questions about whether a Saudi Arabian nuclear program would remain exclusively peaceful, particularly in the absence of robust international IAEA safeguards.

(12) An August 9, 2019, study by the United Nations High Commissioner for Human Rights found that the Saudi Arabia-led military coalition airstrikes in Yemen and its restrictions on the flow of humanitarian assistance to the country, both of which have disproportionately impacted civilians, may be violations of international humanitarian law.

SEC. 1283. DETERMINATION OF POSSIBLE MTCR TRANSFERS TO SAUDI ARABIA.

(a) MTCR TRANSFERS.—Not later than 30 days after the date of the enactment of this Act, the President shall submit to the appropriate committees of Congress a written determination, and any documentation to support that determination detailing—

(1) whether any foreign person knowingly exported, transferred, or engaged in trade of any item designated under Category I of the MTCR Annex item with Saudi Arabia in the previous three fiscal years; and

(2) the sanctions the President has imposed or intends to impose pursuant to section 11B(b) of the Export Administration Act of 1979 (50 U.S.C. 4612(b)) against any foreign person who knowingly engaged in the export, transfer, or trade of that item or items.

(b) WAIVER.—Notwithstanding any provision of paragraphs (3) through (7) of section 11(B)(b) of the Export Administration Act of 1979 (50 U.S.C. 4612(b)), the President may only waive the application of sanctions under such section with respect to Saudi Arabia if that country is verifiably determined to no longer possess an item designated under Category I of the MTCR Annex received in the previous three fiscal years.

(c) FORM OF REPORT.—The determination required under subsection (a) shall be unclassified with a classified annex.

SEC. 1284. PROHIBITION ON UNITED STATES ARMS SALES TO SAUDI ARABIA IF IT IMPORTS NUCLEAR TECHNOLOGY WITHOUT SAFEGUARDS.

(a) IN GENERAL.—The United States shall not sell, transfer, or authorize licenses for export of any item designated under Category III, IV, VII, or VIII on the United States Munitions List pursuant to section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)) to Saudi Arabia, other than ground-based missile defense systems, if Saudi Arabia has, in the previous 3 fiscal years—

(1) knowingly imported any item classified as “plants for the separation of isotopes of uranium” or “plants for the reprocessing of irradiated nuclear reactor fuel elements” under Part 110 of the Nuclear Regulatory Commission export licensing authority; or

(2) engaged in nuclear cooperation related to the construction of any nuclear-related fuel cycle facility or activity that has not been notified to the IAEA and would be subject to complementary access if an Additional Protocol was in force.

(b) WAIVER.—The Secretary of State may waive the prohibition under subsection (a) with respect to a foreign country if the Secretary submits to the appropriate committees of Congress a written certification that contains a determination, and any relevant documentation on which the determination is based, that Saudi Arabia—

(1) has brought into force an Additional Protocol to the IAEA Comprehensive Safeguards Agreement based on the model described in IAEA INFCIRC/540;

(2) has concluded a civilian nuclear cooperation agreement with the United States under section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153) or another supplier that prohibits the enrichment of uranium or

separation of plutonium on its own territory; and

(3) has rescinded its Small Quantities Protocol and is not found by the IAEA Board of Governors to be in noncompliance with its Comprehensive Safeguards Agreement.

(c) RULE OF CONSTRUCTION.—Nothing in this subtitle shall be construed as superseding the obligation of the President under section 502B(a)(2) or section 620I(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(a)(2), 22 U.S.C. 2378–1(a)), respectively, to not furnish security assistance to Saudi Arabia or any country if it—

(1) engages in a consistent pattern of gross violations of internationally recognized human rights; or

(2) prohibits or otherwise restricts, directly or indirectly, the transport or delivery of United States humanitarian assistance.

SEC. 1285. MIDDLE EAST NONPROLIFERATION STRATEGY.

(a) IN GENERAL.—Starting with the first report after the date of the enactment of this Act, the Secretary of State and the Secretary of Energy, in consultation with the Director of National Intelligence, shall provide the appropriate committees of Congress, as an appendix to the Report on the Adherence to and Compliance with Arms Control, Nonproliferation, and Disarmament Agreements and Commitments, a report on MTCR compliance and a United States strategy to prevent the spread of nuclear weapons and missiles in the Middle East.

(b) ELEMENTS.—The report required under subsection (a) shall include the following elements:

(1) An assessment of China’s compliance, in the previous fiscal year, with its November 2000 commitment to abide by the MTCR and United States diplomatic efforts to address non-compliance.

(2) A description of every foreign person that, in the previous fiscal year, engaged in the export, transfer, or trade of MTCR items to a country that is a non-MTCR adherent, and a description of the sanctions the President imposed pursuant to section 11B(b) of the Export Administration Act of 1979 (50 U.S.C. 4612(b)).

(3) A detailed strategy to prevent the proliferation of ballistic missile and sensitive nuclear technology in the Middle East and North Africa from China and other foreign countries, including the following elements:

(A) An assessment of the proliferation risks associated with concluding or renewing a civilian nuclear cooperation “123” agreement with any country in the Middle-East and North Africa and the risks of such if that same equipment and technology is sourced from a foreign state.

(B) An update on United States bilateral and multilateral diplomatic actions to commence negotiations on a Weapons of Mass Destruction Free Zone (WMDFZ) since the 2015 Nuclear Nonproliferation Treaty Review Conference.

(C) A description of United States Government efforts to achieve global adherence and compliance with the Nuclear Suppliers Group, MTCR, and the 2002 International Code of Conduct against Ballistic Missile Proliferation guidelines.

(4) An account of the briefings to the appropriate committees of Congress in the reporting period detailing negotiations on any new or renewed civilian nuclear cooperation “123” agreement with any country consistent with the intent of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.).

(c) FORM OF REPORT.—The report required under subsection (a) shall be unclassified with a classified annex.

SEC. 1286. DEFINITIONS.

In this subtitle:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the Select Committee on Intelligence of the Senate;

(B) the Committee on Foreign Relations of the Senate;

(C) the Select Committee on Intelligence of the House of Representative; and

(D) the Committee on Foreign Affairs of the House of Representatives.

(2) FOREIGN PERSON; PERSON.—The terms “foreign person” and “person” mean—

(A) a natural person that is an alien;

(B) a corporation, business association, partnership, society, trust, or any other non-governmental entity, organization, or group, that is organized under the laws of a foreign country or has its principal place of business in a foreign country;

(C) any foreign governmental entity operating as a business enterprise; and

(D) any successor, subunit, or subsidiary of any entity described in subparagraph (B) or (C).

(3) MIDDLE EAST AND NORTH AFRICA.—The term “Middle East and North Africa” means those countries that are included in the Area of Responsibility of the Assistant Secretary of State for Near Eastern Affairs.

SA 5882. Mr. MARKEY (for himself, Ms. WARREN, Mr. SANDERS, and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 5499 submitted by Mr. REED (for himself and Mr. INHOFE) and intended to be proposed to the bill H.R. 7900, to authorize appropriations for fiscal year 2023 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title XII, add the following:

SEC. 1276. GLOBAL CLIMATE ASSISTANCE FUNDS.

(a) IN GENERAL.—The amount authorized to be appropriated for fiscal year 2023 by this Act is the aggregate amount authorized to be appropriated for fiscal year 2023 by this Act minus one percent.

(b) ALLOCATION.—The allocation of the reduction under subsection (a) shall be derived from the additional \$44,916,434,000 above the President’s fiscal year 2023 budget request provided by the Senate to the discretionary authorizations within the jurisdiction of the Committee on Armed Services of the Senate, as set forth on page 383 of the report of the Committee on Armed Services of the Senate accompanying S. 4543 of the 117th Congress (S. Rept. 117–130).

(c) USE OF FUNDS.—Amounts from the reduction under subsection (a) shall be used by the Secretary of State, in coordination with the Administrator of the United States Agency for International Development and the Secretary of the Treasury, as appropriate, to increase the authorization of appropriations for funds to global climate assistance accounts, programs, organizations, and international financial institutions described in subsection (d) for the following purposes:

(1) To reduce the risks to United States national security due to climate change, as set forth in the national intelligence estimate of the National Intelligence Council entitled “Climate Change and International Responses Increasing Challenges to US National Security Through 2040” (NIC–NIE–2021–10030–A).